

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JEFFREY CHAPELL**

**PETITIONER**

**VS.**

**CIVIL ACTION NO.: 3:13cv235**

**EYDIE WINKEL, Warden of Central Mississippi  
Correctional Facility**

**RESPONDENT**

**ORDER**

The court has carefully reviewed the Report and Recommendation of the Magistrate Judge in the above-entitled action. Having done so, it seems clear that the Magistrate Judge correctly found that the instant habeas action was not timely filed. The court therefore accepts and adopts the Magistrate Judge's recommendation that the instant petition be dismissed pursuant to 28 U.S.C. § 2244(d).

The court will grant the petitioner's motion for an extension of time until August 18, 2014 in which to file a response, but it notes that he did not submit a proposed response, either as of that date or since. The court further notes that petitioner failed to respond to the motion to dismiss which was filed by the respondent, and the court is therefore faced with repeated failures by petitioner to properly prosecute this case.<sup>1</sup> Particularly since the procedural bar in this case seems so clear, the court will adopt the Magistrate Judge's Report and Recommendation at this time.

It is therefore ordered that the Magistrate Judge's Report and Recommendation dated July 21, 2014 is adopted as the order of this court, and the instant petition will be dismissed with prejudice.

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<sup>1</sup> Counsel for petitioner did not contact this court with regard to his motion for time to respond to the Report and Recommendation.

So ordered, this the 26<sup>th</sup> day of August, 2014.

**/s/ MICHAEL P. MILLS**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**